IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN
&
THE HONOURABLE MR. JUSTICE V.K.MOHANAN

MONDAY, THE 24TH SEPTEMBER 2007 / 2ND ASWINA 1929

RFA.No. 421 of 2003()

OS.5/1996 of PRL.SUB COURT, IRINJALAKUDA
.....

APPELLANTS/PLAINTIFFS
---

1. MURALIDHARAN S/O. KALAMBUKADU
   RAMAKRISHNAN, IRINJALAKUDA VILLAGE AND DESOM,
   MUKUNDAPURAM TALUK.

2. CLETUS S/O. KOLOTHUR JOSEPH, DO.DO.DO.

BY ADV. SRI.K.G.BALASUBRAMANIAN

RESPONDENT: DEFENDANT

THOMAS S/O. CHERADAYI KUNJUVARIYATH
PULLUR VILLAGE AND DESOM, MUKUNDAPURAM TALUK.

BY ADV. SRI.M.C.GOPI

THIS REGULAR FIRST APPEAL HAVING COME UP FOR CONSIDERATION ON 24/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.R.RAMAN & V.K.MOHANAN, JJ.

R.F.A.NO.421 OF 2003

Dated this the 24th day of September, 2007

JUDGMENT

Raman, J.

In view of the order dismissing the delay petition, this appeal is also dismissed.

Though the learned counsel appearing for the appellant prayed that half of the court fee paid in this appeal may be refunded, since 1/3rd of the court fee was paid and in view of the decision of the Division Bench of this Court in **Zakariyas v. Johny (1999 (3) KLT 419)**, the prayer is rejected.

P.R.RAMAN,
Judge.

V.K.MOHANAN,
Judge.

kcv.